



**ASSEMBLY AMENDMENT 2,
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2001 SENATE BILL 54**

March 20, 2001 – Offered by Representative KEDZIE.

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 2, line 1: delete “any of the following” and substitute “a person who
3 discharges dredged or fill material into a nonfederal wetland if any of the following
4 applies”.

5 **2.** Page 2, line 2: delete that line and substitute:

6 “1. The person has received notification from the department that the”.

7 **3.** Page 2, line 6: delete that line and substitute:

8 “2. The person has received notification from the department that the”.

9 **4.** Page 2, line 12: delete that line and substitute:

10 “3. The person has received notification from the department that the”.

1 **5.** Page 2, line 14: delete “and if” and substitute “and a water quality
2 certification required by rules promulgated by the department to implement 33 USC
3 1341 (a) has been issued by the department on or before January 8, 2001, and”.

4 **6.** Page 2, line 16: delete that line and substitute:

5 “4. The person has received notification from the department that the
6 discharge is the”.

7 **7.** Page 2, line 22: after that line insert:

8 “**SECTION 2m.** 281.98 (1) of the statutes is amended to read:

9 281.98 (1) Except as provided in ss. 281.47 (1) (d), 281.75 (19) and 281.99 (2),
10 any person who violates this chapter or any rule promulgated or any plan approval,
11 license or special order issued under this chapter or who violates the prohibition
12 under s. 281.163, shall forfeit not less than \$10 nor more than \$5,000 for each
13 violation. Each day of continued violation is a separate offense. While an order is
14 suspended, stayed or enjoined, this penalty does not accrue.

15 **SECTION 3m.** 299.95 of the statutes is amended to read:

16 **299.95 Enforcement; duty of department of justice; expenses.** The
17 attorney general shall enforce chs. 281 to 285 and 289 to 295 and this chapter, except
18 ss. 281.48, 285.57, 285.59 and 299.64, and all rules, special orders, licenses, plan
19 approvals and permits of the department, except those promulgated or issued under
20 ss. 281.48, 285.57, 285.59 and 299.64 and except as provided in s. 285.86, and shall
21 enforce the prohibition under s. 281.163. The circuit court for Dane county or for any
22 other county where a violation occurred in whole or in part has jurisdiction to enforce
23 chs. 281 to 285 and 289 to 295 or this chapter or the rule, special order, license, plan
24 approval or permit by injunctive and other relief appropriate for enforcement. For

1 purposes of this proceeding where chs. 281 to 285 and 289 to 295 or this chapter or
2 the rule, special order, license, plan approval or permit prohibits in whole or in part
3 any pollution, a violation is considered a public nuisance. The department of natural
4 resources may enter into agreements with the department of justice to assist with
5 the administration of chs. 281 to 285 and 289 to 295 and this chapter. Any funds paid
6 to the department of justice under these agreements shall be credited to the
7 appropriation account under s. 20.455 (1) (k).”

8

(END)